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Tahoe Regional Planning Agency

9
10 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
11

12 TAHOE REGIONAL PLANNING AGENCY,) Case No. 2:20-cv-00945-TLN-KJN
13)
Plaintiff,)
14)
vs.) **STIPULATION AND ORDER TO**
15) **MODIFY SCHEDULING ORDER**
MOUNTAIN ADDICTION LLC, JUSTIN)
16 SHEAF,)
17 Defendants.) Judge: Honorable Troy L. Nunley
18)
19)

20 Pursuant to Local Rule 143 the parties stipulate and ask the Court to Order that the
21 scheduling order entered on May 8, 2020 (Dkt. No. 3)¹ be modified by extending the discovery
22

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24 ¹ “Dkt. No.” refers to the docket number entry for the Court’s electronic filing system.

1 and dispositive motions deadlines by an additional 30 days, to August 19, 2021, and February
2 17, 2022, respectively.

3 “The district court is given broad discretion in supervising the pretrial phase of
4 litigation.” *Johnson v. Mammoth Recreations, Inc.* (9th Cir. 1992) 975 F.2d 604, 607 (citation
5 and internal quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified
6 only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may
7 be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the
8 extension.’” *Zivkovic v. Southern California Edison Co.* (9th Cir. 2002) 302 F.3d 1080, 1087
9 (quoting *Johnson*, 975 F.2d at 607).

10 Good cause exists for this extension. The parties have required some additional time to
11 respond to discovery, and there has been cooperation in this regard. The parties anticipate that
12 there will be additional requests to extend deadlines with respect to the Scheduling Order entered
13 on May 8, 2020. The reason for the request of this extension and future extensions relates to the
14 pendency of the motions to dismiss filed by the Tahoe Regional Planning Agency and the
15 California Tahoe Conservancy against the third party cross-claim filed by Mountain Addiction,
16 LLC and Justin Sheaff. Dkt. Nos. 10 and 19. These motions are currently pending and the clerk
17 of the court has informed attorneys for defendants Mountain Addiction, LLC and Justin Scheaff
18 that the motions could remain under submission for potentially six months. Accordingly, the
19 parties understand that there is uncertainty as to the issues, parties, evidence and witnesses
20 involved in this action.

21 For these reasons, the parties ask the Court to extend the discovery deadline to August
22 19, 2021, and the dispositive motion deadline to February 17, 2022.

1 DATED: July 12, 2021.

Respectfully submitted,
TAHOE REGIONAL PLANNING AGENCY

2 By: /s/ John L. Marshall

3 Attorney for Plaintiff,
4 Tahoe Regional Planning Agency
jmarshall@trpa.gov

5 DATED: July 12, 2021.

6 Respectfully submitted,
LAW OFFICE OF MARSHA A. BURCH

7 By: /s/ Marsha A. Burch

8 Attorney for Plaintiff,
9 Tahoe Regional Planning Agency
mburchlaw@gmail.com

10 DATED: July 12, 2021.

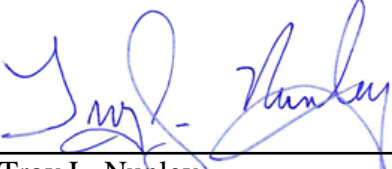
11 Respectfully submitted,
PORTER SIMON,
PROFESSIONAL CORPORATION

12 By: /s/ Lou Basile

13 Attorney for Defendants,
14 Mountain Addiction, LLC and
Justin Sheaf
basile@portersimon.com

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16 IT IS SO ORDERED. The discovery deadline is extended to August 19, 2021, and the
17 dispositive motion filing deadline is extended to February 17, 2022.

18 Dated: July 12, 2021

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Troy L. Nunley
United States District Judge